

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK VASTINE,	:	Case No. 3:16-cv-00290
	:	
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
	:	(by full consent of the parties)
vs.	:	
	:	
NANCY A. BERRYHILL,	:	
Commissioner Of The Social Security	:	
Administration,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court on the parties' Joint Stipulation for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (Doc. #16). Specifically, the parties stipulate to an award to Plaintiff of \$4,000.00 in attorney fees, costs, and expenses. The award of attorney fees, costs, and expenses will satisfy all of Plaintiff's claims under 28 U.S.C. § 2412 that may be payable in this case.

Any fees paid belong to Plaintiff and not his attorney and said fees can be offset to satisfy pre-existing debt that Plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, Defendant agrees to direct that the award be made payable to Plaintiff's attorney pursuant to an EAJA assignment duly signed by Plaintiff.

IT IS THEREFORE ORDERED THAT:

1. The Parties' Joint Stipulation for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (Doc. #16) is accepted, and the Commissioner shall pay Plaintiff's attorney fees, costs, and expenses in the total amount of \$4,000.00;
2. Counsel for the parties shall verify, **within thirty days of this Decision and Entry,** whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and
3. The case remains terminated on the docket of this Court.

December 14, 2017

s/Sharon L. Ovington

Sharon L. Ovington

United States Magistrate Judge